



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

May 4, 2021

MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I
Mr. Paul Cain, Vice Chairman, District III
Mr. Julian Davis III, Chairman Pro Tem, District IV
Mr. Glenn Hart, District V
Mr. Matthew Durham, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Attorney David Root, & Katie D. Smith, Clerk to Council present [County Administrator Amanda F. Brock was absent].

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeesc.com/council]. In addition, it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Riley Morningstar / The Journal & Scott Freund / FOX Carolina

Call to Order

Mr. Elliott called the meeting to order at 6:00 p.m.

Public Comment Session

If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Katie Smith at ksmith@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

Mr. Elliott noted that many citizens in attendance signed up to speak regarding the Elevated Youth Services matter. He further noted this is not a public hearing on this issue and that public comment time is not intended to be interactive between Council and the public and Council has their own agenda time set aside to comment on any matters that members desire to address. However, Elevated Youth Services is one we are receiving legal advice on later and will not be commenting on this issue during Council member comments.

Mr. Scott Arnold addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Mr. Ralph Holcombe addressed Council in opposition of the Elevated Youth Service's establishment of a

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residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Ms. Ashley Ayres addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Mr. Bob Baltzer addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Mr. Shon Tilson addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Mr. Charles "Burt" O'Shields addressed Council regarding the roads at Timberlake One noting they need to be repaired.

Mr. Will Hubbard, attorney with The Airey Law Firm, addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Ms. Shannon Rees addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Ms. Holly Douglas addressed Council and noted she contacted Mr. Browning who owns the organization and gave a brief overview of their conversation and requested Council to have a discussion with Mr. Browning regarding this issue and give more time and consideration to the concerns from the citizens.

Ms. Melissa Gibson addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

The following two [2] emails were received by the Clerk to Council and Mr. Elliott read each comment into the record [both copies filed with backup materials].

Mayor Linda Oliver addressed Council in opposition of the Elevated Youth Service's establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, SC.

Ms. Leslie Kilty addressed Council regarding Ordinance 2021-10.

County Council Response to Public Comment

Mr. Durham thanked the County for lifting the attendance limitations for the meetings in Council Chambers and appreciates the citizens for attending and expressing their concerns regarding the Elevated Youth Service's establishment.

Mr. Glenn Hart recognized Mr. David McMahan as the new Chairman for Oconee County Republican Party.

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Moment of Silence

Mr. Elliott asked for a moment of silence prior to the Invocation by County Council Chaplain.

Invocation by County Council Chaplain

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance

Mr. Cain the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the April 20, 2021 Regular Minutes as presented.

Administrator's Comments

In Ms. Brock's absence, Mr. Root addressed Council with the following item:

- Regarding Ordinance 2021-09, Ms. Brock is continuing to work on the litter task force

Attorney's Comments

None at this meeting.

Proclamation 2021-05

- Proclamation 2021-05 Recognizing May 15, 2021 as Peace Officers Memorial Day and May 9, 2021 through May 15, 2021 as National Police Week

Mr. Elliott read **Proclamation 2021-05** into the record.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Proclamation 2021-05** on first & final reading [picture filed with backup materials].

Law Enforcement officers that were present came forward and accepted **Proclamation 2021-05**.

Proclamation 2021-06

- Proclamation 2021-06 National Safe Boating Week

Mr. Elliott read **Proclamation 2021-06** into the record.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Proclamation 2021-06** on first & final reading.

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Presentation to Council

Mr. Steve Pelissier, Executive Director for the Appalachian Council of Governments, addressed Council utilizing a handout entitled “Appalachian Council of Governments 2020 Annual Report” & “Appalachian Council of Governments 2020 Oconee County Services” [both filed with backup materials] and gave a brief presentation.

Public Hearings for the Following Ordinances

If you are not able to attend in person and you would like to be heard during the public hearings, please contact Katie Smith at or 864-718-1023 so that she may coordinate your participation by telephone.

Ordinance 2021-08 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN FOR THE TIME BEING AS “PROJECT RISE,” PROVIDING FOR THE PAYMENT OF A SPECIAL SOURCE REVENUE CREDIT TO SUCH COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK WITH PICKENS COUNTY, SOUTH CAROLINA; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.”

An Economic Development matter

Mr. Elliott opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Elliott opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Elliott asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Elliott closed the Public Hearing regarding **Ordinance 2021-08**.

Third Reading of the Following Ordinances

Ordinance 2021-08 *[see caption above]*

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2021-08** on third & final reading.

Second Reading of the Following Ordinances

Ordinance 2021-09 “AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE “LITTER CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA.””

Forwarded from the Law Enforcement, Public Safety, Health & Welfare Committee

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2021-09** on second reading.

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Ordinance 2021-10 “AN ORDINANCE REPEALING ORDINANCE 2021-04, WHICH REQUIRED INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN FACILITIES OWNED OR OPERATED BY OCONEE COUNTY.”

General Government matter

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 1 [Mr. Cain opposed], to approve **Ordinance 2021-10** on second reading.

First Reading of the Following Ordinances

Ordinance 2021-11 “AN ORDINANCE ESTABLISHING CHAPTER 40 OF THE OCONEE COUNTY CODE OF ORDINANCES, TO BE ENTITLED “CULTURAL AND HISTORIC PRESERVATION,” AND ENACTING ARTICLE V THERETO, CAPTIONED “PROTECTION OF HISTORICAL MEMORIALS.”

Forwarded from the Law Enforcement, Public Safety, Health & Welfare Committee

Mr. Durham made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2021-11** on first reading.

Ordinance 2021-12 “AN ORDINANCE CONSENTING TO THE TRANSFER OF CERTAIN REAL PROPERTY THAT HAS BEEN FORFEITED TO THE OFFICE OF THE OCONEE COUNTY SHERIFF; AUTHORIZING THE COUNTY ADMINISTRATOR TO TAKE CERTAIN ACTIONS IN RELATION THERETO; AND OTHER RELATED MATTERS.”

Forwarded from the Law Enforcement, Public Safety, Health & Welfare Committee

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2021-12** on first reading.

First & Final Reading of the Following Resolutions

Resolution 2021-06 “A RESOLUTION APPOINTING AND COMMISSIONING MATTHEW LANE THOMAS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF OCONEE COUNTY; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Resolution 2021-06** on first & final reading.

Discussion Regarding Action Items

Change Order # 1, PO 53717 Engineering Services for Cherokee Lake Road Bridge Replacement / Roads & Bridges / PO 53717: \$49,840.00

\$89,780.00

Purchase Order Total: \$139,620.00

Remaining Budget: \$597,747.28 / Project Cost: \$89,780.00 / Balance: 507,967.28

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On October 25, 2019, Purchase Order 53717 to Davis & Floyd, Inc. was issued for Engineering Services for Cherokee Lake Road Bridge Replacement, in the amount of \$49,840.00. The services included on this purchase order were (tasks 1-5): topographic survey, soil test borings, preliminary roadway plans and right-of-way plans, preliminary bridge plans, and additional right-of-way (easement) assistance.

Davis and Floyd completed tasks 1-5 listed above and has submitted a proposal in the amount of \$89,780.00 for tasks 6-11 to include Final Roadway Plans, Final Bridge Plans, Bidding Services, Construction Support Services, Construction Inspections and Lead & Asbestos Survey.

The existing bridge on Cherokee Lake Rd is in need of replacement due to structural and functional deficiencies. This bridge is located where Cheohee Creek initially passes under Cherokee Lake Road. The Cheohee Valley Fire Substation is located above this bridge and uses it for access to get to Cheohee Valley Rd. Davis and Floyd has performed preliminary design work (tasks 1-5) on the roadway to ensure the feasibility of construction along with assessing the existing right-of-way to make sure it was sufficient for construction. Staff is requesting Council approval for Change Order #1 to PO 53717 for Engineering Services for Final Design, Bidding & Construction to Davis and Floyd.

It is the staff's recommendation that Council approve Change Order # 1 to PO 53717 in the amount of \$89,780.00; which brings the purchase order total to \$139,620.00.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to approve Change Order # 1 to PO 53717 in the amount of \$89,780.00; which brings the purchase order total to \$139,620.00.

Compactor & Container For Solid Waste / Solid Waste / \$150,767.36

Budget: \$ 150,802.56 / **Project Cost:** \$150,767.36 / **Balance:** \$ 35.20

This bid was issued March 5, 2021 to purchase four (4) containers and six (6) compactors with power units, guide islands and hoppers to be installed at the following Manned Recycling Centers: Strawberry Farm, Mt. Rest, Long Creek, Salem and Ebenezer. The compactors and containers will replace aging, run down units or some containers may be an additional unit at various centers. The contractor is to provide full installation including all electrical work from disconnect to power unit. The compactors and containers will be shipped from Ajax, Ontario, Canada and the installation will be performed by a subcontractor; All Baler and Hydraulic Repairs of Travelers Rest, SC. The replaced units will be refurbished, if applicable, or sold for scrap metal. The County will be required to pay Sales/Use Tax directly to the SC Department of Revenue for this purchase in the amount of \$8,211.36. The total for the purchase and installation of the compactors and containers is \$150,767.36 (\$142,556.00 Reaction Distributing and \$8,211.36 SC DOR).

It is the staff's recommendation that Council [1] approve the award of bid ITB 20-06, Reaction Distributing, Inc. of Ajax, Ontario, Canada in the amount of \$142,556.00 and [2] approve payment in the amount of \$ 8,211.36 to SC DOR for Sales/Use tax.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the award of bid ITB 20-06, Reaction Distributing, Inc. of Ajax, Ontario, Canada in the amount of \$142,556.00 and [2] approve payment

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in the amount of \$ 8,211.36 to SC DOR for Sales/Use tax.

Design Build Services for Westminster Magistrates Office / Magistrate / \$767,534.00
Contingency (20%) \$153,506.80
Total \$921,040.80

Budget: \$921,040.80 / **Project Cost:** \$921,040.80 / **Balance:** \$0.00

Procurement pending approval of the FY 21-22 budget

On March 3, 2020, County Council approved the RFP 19-03 Design Build Services to Trehel Corporation for the initial Schematic and Design Phases in the amount of \$15,000.00. On August 18, 2020 the Real Estate, Facilities & Land Management Meeting made a motion directing staff to present the proposed construction documents and Construction phase of the project to County Council. County Staff reviewed different options of renovation vs. new construction and negotiated pricing to reduce the cost of the New Westminster Magistrates Office. Staff recommends demolition of the current structure and construction of a new 3,581 sq. ft. facility. Staff is requesting approval of phase three and four to Trehel Corporation in the amount of 767,534.00 plus \$153,506.80 (20% contingency) for a total amount of \$ \$921,040.80.

Design-Build is a method of project delivery in which *one* entity (Design-Builder) forges a *single* contract with the Owner to provide for Architectural Engineering design services AND construction services.

This design build project consists of four (4) phases:

Phase One: Schematic Phase

Phase Two: Design Development

Phase Three: Construction Documents

Phase Four: Construction Phase

It is the staff's recommendation that Council [1] approve the award of Phase three and four for Westminster Magistrates Office to Trehel Corporation of Clemson, SC in the amount of \$767,534.00 plus 20% contingency in the amount of \$153,506.80 for a total award of \$921,040.80, pending the approval of the FY 21-22 budget and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Cain, approved 3 – 2 [Mr. Hart & Mr. Durham opposed] to [1] approve the award of Phase three and four for Westminster Magistrates Office to Trehel Corporation of Clemson, SC in the amount of \$767,534.00 plus 20% contingency in the amount of \$153,506.80 for a total award of \$921,040.80, pending the approval of the FY 21-22 budget and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Council Committee Reports

Mr. Cain read from a prepared statement [copy filed with these minutes] outlining the discussions held at the March 16, 2021 Planning & Economic Committee meeting.

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Board & Commission Appointments

Building Codes Appeal Board

No nomination was made for the At-Large seat during this meeting.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

[1] Discussion regarding an Economic Development matter, Project Drift.

[2] Receive legal advice related to a Reasonable Accommodation Request under the federal Fair Housing Act.

[3] Receive legal advice and discuss potential transfer of County-owned property and matters directly related thereto.

Council entered Executive Session at 7:03 p.m.

Council returned from Executive Session at 7:37 p.m. on a motion made by Mr. Durham, seconded by Mr. Cain, approved 5 – 0.

Mr. Elliott stated that no action was taken in Executive Session.

Discussion Regarding Action Items [cont'd]

Discuss and take action on Elevated Youth Service's Reasonable Accommodation Request under the federal Fair Housing Act in relation to the establishment of a residential treatment home for handicapped youth at 602 Walter Scott Lane, West Union, South Carolina

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, for the Reasonable Accommodation Request submitted by Elevated Youth Services under the Federal Fair Housing Act be declined at this time and that Elevated Youth Services proceed if it so desires with the customary application and permitting provisions applicable to group residential facilities as outlined in the Oconee County Code of Ordinances.

Mr. Root noted that the action taken by Council is that the reasonable accommodation request was denied at this point so they will still have the opportunity to proceed, petition, and finish the application with zoning and have a special exception hearing.

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Discuss and act on proposed letter of intent related to County-owned property and matters related thereto

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to authorize the County Administrator to execute the letter of intent upon advice of the County Attorney with appropriate revisions.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 7:39 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

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